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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Public Notice	)	
	)	
Common Carrier Bureau Seeks Comment on	)	NSD File No. L-99-55
The Texas Public Utility Commission Petition	)	
For Delegation of Additional Authority to	)	
Implement Numbering Conservation Measures	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996	)	

**COMMENTS OF THE PERSONAL  
COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA"),<sup>1</sup> hereby respectfully submits its comments on the *Public Notice* released by the Federal Communications Commission ("FCC" or "Commission") in the above-captioned proceeding.<sup>2</sup> PCIA has consistently supported a strong federal role in supervising a unified, nationwide numbering system that ensures that all

<sup>1</sup> PCIA is an international trade association established to represent the interests of the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the PCS Alliance, the Site Owners and Managers Association, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As an FCC-appointed frequency coordinator for the Industrial/Business Pool frequencies below 512 MHz, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

<sup>2</sup> Public Notice, *Common Carrier Bureau Seeks Comment on the Texas Public Utility Commission Petition for Delegation of Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-55, DA 99-1380 (released July 14, 1999).

carriers are provided with an adequate supply of telephone numbers and has a significant interest in the captioned request.

The petition of the Texas Public Utility Commission ("PUCT petition") seeks an expedited grant of additional authority to implement number conservation measures. The Commission's solicitation of public comment on this petition occurs during the height of the active phase of the agency's effort in the *Numbering Resource Optimization* ("NRO") proceeding to craft comprehensive, nationwide solutions to number administration and conservation issues.<sup>3</sup> Carriers, state commissions, the North American Numbering Council, and interested parties across the nation are today immersed in an evaluation of the scores of comments filed in response to the FCC's *NRO NPRM* and are actively drafting reply comments to be filed with the Commission at the end of this month. Rather than address the relative merits of each of the PUCT petition's requests for additional relief, PCIA urges the Commission to recognize that premature action granting the PUCT petition in whole or in part could seriously undermine the FCC's landmark goal in the *NRO* proceeding of establishing a national numbering policy for the world's largest competitive telecommunications market. Further, any expedited grant of additional authority to the PUCT could represent an even more serious blow to the formulation of consistent national numbering standards. PCIA urges the Commission to thoroughly and expeditiously consider the comments and reply comments submitted in the *NRO* proceeding before rendering a decision on the PUCT petition. Ideally, the FCC ought to arrive at decisions

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<sup>3</sup> *Numbering Resource Optimization et al.*, Notice of Proposed Rule Making, CC Docket No. 99-200, RM No. 9258, NSD File Nos. L-99-17 & 99-36 (released June 2, 1999) ("*NRO NPRM*"). Comments on the *NPRM* were filed July 30, 1999, and reply comments must be submitted by August 30, 1999.

on the PUCT petition, as well as other state petitions, only after the promulgation of a Report and Order in the *NRO* proceeding. In this manner, the Commission can assure a nationwide consistency in numbering policy.<sup>4</sup>

**I. THE COMMISSION MUST NOT PREMATURELY LIMIT THE AGENCY'S ABILITY TO MAINTAIN FEDERAL CONTROL OVER A UNIFIED SYSTEM OF NUMBERING ADMINISTRATION**

The Commission should not take any action at this time that will limit or restrict federal control over numbering administration. The significance and landmark status of the FCC's *NRO* *NPRM* cannot be underestimated. This proceeding is the first, and most significant, effort of the Commission to promulgate numbering rules and policy for a competitive telecommunications

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<sup>4</sup> PCIA has already filed numerous comments addressing the merits of other state petitions seeking additional authority on numbering issues. *See* Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on California Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-98-136, DA 99-928 (filed June 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on a Petition of the California Public Utilities Commission and the People of California for a Waiver to Implement a Technology-Specific or Service-Specific Area Code*, NSD File No. L-99-36, DA 99-929 (filed June 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Florida Public Service Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-33, DA 99-725 (filed May 14, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Maine Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-27, DA 99-638 (filed May 3, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-21, DA 99-462 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy's Petition for Additional Authority to Implement Number Conservation Measures*, NSD File No. L-99-19, DA 99-461 (filed April 5, 1999).

In addition, PCIA filed further comments cautioning that premature grant of state relief inconsistent with uniform federal guidelines should be avoided. *See* Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on State Utility Commission Requests for Additional Delegation of Additional Authority to Implement Telecommunications Numbering Conservation Measures*, NSD File Nos. L-98-136, L-99-19, L-99-21, L-99-27 & L-99-33, DA 99-1198 (filed July 16, 1999).

environment. Sixteen years after divestiture, the *NRO NPRM* represents a carefully crafted, thoughtful and comprehensive analysis of factors to be considered in order to optimize the assignment of numbering resources in the United States. Grant of the PUCT petition in the midst of this important proceeding could significantly detract from the Commission's ability to craft final rules that have nationwide applicability and effect. Further, any grant of additional authority to the PUCT on an expedited basis could potentially foreclose the Commission from promulgating national standards in a given area critical to number assignment and conservation. Once authority is granted to a state commission, it would be extremely difficult for the FCC to withdraw such a grant even if the record of the *NRO* proceeding demonstrated the wisdom of such action. The FCC ought not to restrict its options in the midst of this important *NRO* proceeding.

PCIA notes that grant of such authority on an expedited basis prior to the conclusion of the agency's evaluation of the comments and replies and the adoption of a Report and Order in the *NRO* proceeding may permanently foreclose the ability of the FCC to promulgate national solutions that will ultimately effectively address the concerns expressed by the PUCT, as well as other state commissions. Indeed, the issues raised by the PUCT petition concerning telephone number exhaust were addressed in great detail by the *NRO NPRM* and in turn elicited scores of comprehensive and thoughtful comments from the public. While the problems cited in the PUCT petition represent real concerns and may warrant an early response, the Commission must ensure that any action on the proposed number conservation methods in the instant petition does not limit its ability to promulgate nationwide numbering policies.<sup>5</sup> In particular, an

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<sup>5</sup> We note that industry concern over the potential for unilateral state action can in some  
(Continued...)

unconstrained state-by-state approach will threaten the integrity of the unified nature of the national telecommunications infrastructure, contrary to the intent of Congress when it amended the Communications Act in 1996.

In the 1996 Telecommunications Act, Congress gave the Commission “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.”<sup>6</sup> The Commission noted that Congress acted in this manner in recognition that “ensuring fair and impartial access to numbering resources is a critical component of encouraging a robustly competitive telecommunications market in the United States.”<sup>7</sup> PCIA has consistently argued that the Commission should exercise this grant of jurisdiction because a national numbering policy is essential to the efficient provision of telecommunications service.<sup>8</sup> Against

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instances contribute to premature NPA exhaust by fostering an artificial atmosphere of scarcity. An affirmative assertion of federal authority by the Commission consistent with the proposals set out by PCIA in Docket No. 99-200 will eliminate the scarcity mentality. Indeed, several parties, including PCIA, that submitted comments on the *Numbering NPRM*, noted that strict adherence to industry guidelines including the provision of forecast and utilization data are administrative measures that the FCC can adopt on a national basis. The promulgation of a national policy will inevitably alleviate the number conservation concerns articulated by the PUCT and other state commissions.

<sup>6</sup> 47 U.S.C. § 251(e)(1).

<sup>7</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 11 FCC Rcd 19392, 19508 (1996) (“*Local Competition Second Report and Order*”), vacated in part *sub nom. California v. FCC*, 124 F.3d 934 (8th Cir. 1997), reversed in part *sub nom., AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999).

<sup>8</sup> See, e.g., Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes*, NSD File No. L-99-17, DA 99-460 (filed April 5, 1999); Comments of PCIA on Public Notice, *Common Carrier Bureau Seeks Comment on New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures* NSD File No. L-99-21, DA 99-462 (filed April 5, 1999); Comments of PCIA on *Public Notice: Common Carrier Bureau* (Continued...)


this background, the Commission should not take any action on the PUCT petition that will limit its ability to promulgate nationwide policies that ensure unfettered, fair, and nondiscriminatory access to telephone numbers for all carriers.

## II. CONCLUSION

PCIA respectfully urges the Commission not to take any actions in response to the petition of the Texas Public Utility Commission that will limit the Commission's ability to promulgate pro-competitive, fair, and nondiscriminatory nationwide numbering policies in response to the *NRO* proceeding.

Respectfully submitted,

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Dated: August 16, 1999

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*Seeks Comment On North American Numbering Council Letter Seeking Clarification of the Term 'Technology Neutral,' DA 97-2234 (filed Oct. 29, 1997).*


**CERTIFICATE OF SERVICE**

I, Jabari Simmons, do hereby certify that on this 16<sup>th</sup> day of August, 1999, a copy of the foregoing was served, by the method so described, to the parties listed below:

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